



CITY OF AKRON, OHIO
POLICE DIVISION
JAMES D. NICE, CHIEF OF POLICE

NUMBER P-2010-061	EFFECTIVE DATE September 1, 2011	RESCINDS P-08-061 Issued 3-3-08
SUBJECT Child Protection Procedure		ISSUING AUTHORITY Chief James D. Nice

I. POLICY

Police response to these issues should first and foremost be to provide for the safety and welfare of the child involved.

II. PROCEDURE

A. JUVENILE RULE SIX

1. A law enforcement officer may take a child into custody under any of the following conditions:
 - a. Pursuant to an order of the court.
 - b. Pursuant to the law of arrest when the child is arrested.
 - c. When there are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, or is in immediate danger from his surroundings, and that his removal is necessary to prevent immediate or threatened physical or emotional harm.
 - d. When there are reasonable grounds to believe that a parent, guardian, custodian, or other household member of the child has abused or neglected another child in the household, and that the child is in danger of immediate or threatened physical or emotional harm.
 - e. When there are reasonable grounds to believe that the child has run away from his parents, guardian or other custodian.
 - f. When there are reasonable grounds to believe that the conduct, conditions or surroundings of the child are endangering the health, welfare, or safety of the child.
 - g. Pending court proceedings, there are reasonable grounds to believe that the child may abscond or be removed from the jurisdiction of the court or will not be brought to the court.

2. In child abuse cases where the officer's investigation reveals that the child would be at risk to remain in the home, or endangered by the person who has care, custody and control of the child, Juvenile Rule Six shall be invoked and the child turned over to the Children Services Board (CSB). The child shall not be turned over to a family friend, relative or neighbor by the parent or police officer. Juvenile Court, after an investigation, will decide the placement of the child. It is the officer's decision to invoke a Juvenile Rule Six. CSB will decide where to place the child.
3. Rule Six Report
 - a. Will be used in place of the Incident Report.
 - 1) Complete information as to the circumstances surrounding the Rule Six must be included in the narrative. Use an additional Narrative Supplement if necessary.
 - 2) Photos of both the victim's injuries and the scene should be taken when applicable.
 - a) When photos are taken by the police department they shall be tagged as evidence and noted on the Rule Six report.
 - b) Photos taken by other agencies shall remain with that agency but will be noted on the Rule Six report.
 - 3) The name of the CSB caseworker that received custody of the child must be included in the box provided. The caseworker will be given the pink copy of the Rule Six Report.
 - 4) If a suspect is known or an arrest is made, a Suspect/Arrestee Supplement must be completed. If the suspect arrested is a juvenile, a Juvenile Report must be completed.
 - 5) List all witnesses on the Witness Addendum report.
 - 6) All juveniles in the household, even if they were not present at the time of the incident, shall be listed in the narrative section of the Rule Six Report.
 - b. No Juvenile Report is needed when a Rule Six Report is completed.
4. If the officers effect an arrest or cause a warrant to be signed, the additional reports necessitated by the arrest are still required.

B. CHILD ABUSE CASES NOT INVOLVING RULE SIX

1. In child abuse cases where the officer's investigation reveals that the child is not at risk to justify invoking Juvenile Rule Six, the officer will utilize the following reports:
 - a. Incident Report

- b. Supplemental Felony Investigation (SFI), when applicable.
- c. A Juvenile Report is not required unless a juvenile arrest is made.

2. Officers shall contact CSB on all abuse and neglect cases. This referral shall be noted in the incident report. A referral may be made even if an incident report is not completed.

C. JUVENILE DISPOSITION WHERE ONE OR BOTH PARENTS ARE ARRESTED

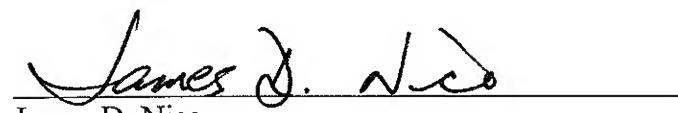
- 1. If a custodial parent, who has physical custody of the child, is arrested, only that parent may choose to allow the child to stay with a relative or family friend when all of the following conditions apply:
 - a. The arrest is for a misdemeanor offense or traffic violations other than child neglect, child abuse, child endangering or domestic violence involving the child.
 - b. The parent voluntarily consents to allow the relative or friend to care for the child. Officers are strictly prohibited from allowing anyone to care for a child without a parent's permission.
 - c. Neither the arrested parent nor the person who will care for the child is under the influence of alcohol or any drug of abuse.
 - d. Neither the arrested parent nor the person who will care for the child is suffering from any mental condition that would hamper their ability to make a sound judgment regarding the health and welfare of the child.
 - e. The officer has no personal knowledge of any information that would preclude the person from caring for the child, e.g. homeless, known felony convictions, previous arrests for child abuse, etc. A check for wants and warrants and past CCH shall be conducted on the person that will care for the child. A Safety Communications police supervisor shall review the CCH printout and inform the requesting officer of the acceptability of the person receiving custody.
 - f. The officer has notified and received permission from his supervisor to allow the parent to permit a relative or friend to care for the child.
 - g. After receiving permission from a supervisor, officers must complete a Custody Release Form. This report is forwarded and stored in the Juvenile Bureau.
- 2. If the parent who has physical custody of the child is arrested for a felony offense or a misdemeanor offense involving child neglect, child abuse, child endangering, domestic violence involving the child or DUI a Juvenile Rule Six shall be invoked.
- 3. Nothing in these guidelines shall prevent an officer from placing a child into the custody of CSB when the officer feels that it is necessary.

D. CUSTODY DISPUTES INVOLVING MINOR CHILDREN

1. Officers shall investigate allegations of Interference with Custody, Child Endangering and any other criminal charges that may arise as a result of the custody dispute. Officers are required to contact the PLA prior to signing charges when the offense involves a custody dispute.
2. Custody disputes involving court orders.
 - a. There is no authority granted to police officers to enforce custody or visitation court orders issued by the Summit County Common Pleas Court, any other State of Ohio courts, or out-of-state courts. Parties with custody or visitation disputes should be referred to Domestic Relations Court or their attorney.
 - b. Police officers **do** have statutory authority and are required to enforce **Civil Protection Orders** and **Temporary Protection Orders** that have been properly verified through the Safety Communications. In addition, officers should be aware that police **shall** take a child into custody if ordered to do so by the judge of the Summit County Juvenile Court.
 - c. The police response should be directed to the child's immediate welfare given the totality of the circumstances:
 - 1) If the child is not otherwise endangered or likely to be endangered by the circumstances, the parties should be referred to lawyers or judicial authorities to settle or enforce issues of custody. If the parties cannot agree otherwise, the child should be left with the party who presently has physical custody of the child.
 - 2) If the child is endangered by the particular circumstances then the Juvenile Rule Six should be invoked.
 - 3) If the officer has reasonable grounds to believe that the child may abscond, or be removed from the jurisdiction pending court proceedings, or not be brought to court, then the child may be taken into custody pursuant to Juvenile Rule Six.
3. Custody disputes where there are no court orders.
 - a. Custody presumption.

- 1) Ohio state law recognizes that an unwed female who gives birth to a child is the sole custodian of her child unless a court rules otherwise. When responding to disputes of this nature, the unwed father should be apprised of this state statute and informed that failure to abide by this law could result in a charge of Interfering with Custody.
- 2) Officers should be mindful that they have no authority to take a child away from one person and give the child to another person. An effort should be made to get the parties to resolve their dispute and advise the unwed father to use Domestic Relations Court or Juvenile Court to obtain rights to custody and visitation.
- 3) The officer's first concern will always be for the safety of the child. When the safety of the child is in doubt, Children Services Board should be contacted. They have the authority to determine emergency placement for the child once Juvenile Rule Six has been invoked.
 - b. Any other custody dispute where there are no court orders should be referred to Domestic Relations Court. Custody should remain with the party who has physical custody of the child unless it would place the child in danger.
 - c. Notarized documents are not official court orders and must be verified before taking any action.
4. In all custody dispute cases, officers should determine if there are criminal warrants on either of the parties and if a Missing Persons Report has been filed on the child.

By Order Of,



James D. Nice
Chief of Police

Date August 16, 2011